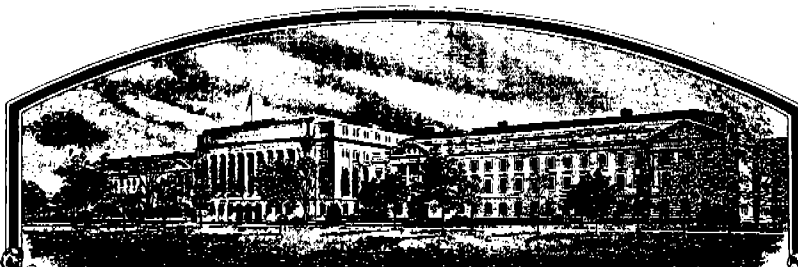


No.

7600075



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

North American Plant Breeders

Whereas, THERE HAS BEEN PRESENTED TO THE  
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *seventeen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

BARLEY

'Summit'

In Testimony Whereof, I have hereunto set  
my hand and caused the seal of the Plant  
Variety Protection Office to be affixed  
at the City of Washington  
this 20th day of December in  
the year of our Lord one thousand nine  
hundred and seventy-six

Attest:

*J. R. Rollins*  
Commissioner  
Plant Variety Protection Office  
Grain Division  
Agricultural Marketing Service

*John S. Dumble*  
Secretary of Agriculture



## APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

1. VARIETY NAME OR TEMPORARY DESIGNATION		2. KIND NAME	FOR OFFICIAL USE ONLY	
Summit		Spring Barley	PV NUMBER	7600075
3. GENUS AND SPECIES NAME		4. FAMILY NAME (Botanical)	FILING DATE	TIME
Hordeum Vulgare		Graminae	5.4.76	8:30 A.M.
		5. DATE OF DETERMINATION	FEE RECEIVED	BALANCE DUE
		1969	\$ 250.00	\$
			\$ 250.00	\$
			\$ 250.00	\$
6. NAME OF APPLICANT(S)		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)		8. TELEPHONE AREA CODE AND NUMBER
North American Plant Breeders		<del>P.O. Box 991, Little Rock, Arkansas 72203</del> P.O. Box 2955 MISSION, KS 66205 Est 9/20/76		(913) 384-4940 501-374-1652 Est 9/20/76
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.)			10. STATE OF INCORPORATION	11. DATE OF INCORPORATION
Partnership			Connecticut	March 9, 1973
12. Name and mailing address of applicant representative(s), if any, to serve in this application and receive all papers:				
GILES E. DIXON B.W.A. Greengrass North American Plant Breeders <del>P.O. Box 991</del> <del>Little Rock, Arkansas 72203</del> P.O. Box 2955 MISSION, KS 66205 Est 9/20/76				

## 13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

- ☒ 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- ☒ 13B. Exhibit B, Botanical Description of the Variety
- ☒ 13C. Exhibit C, Objective Description of the Variety
- ☒ 13D. Exhibit D, Data Indicative of Novelty
- ☒ 13E. Exhibit E, Statement of the Basis of Applicant's Ownership

14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed? (See Section 83(a). (If "Yes," answer 14B. and 14C. below.) ☒ YES ☐ NO

14B. Does the applicant(s) specify that this variety be limited as to number of generations? ☒ YES ☐ NO

14C. If "Yes," to 14B, how many generations of production beyond breeder seed? ☒ FOUNDATION ☒ REGISTERED ☒ CERTIFIED

The applicant declares that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable.

The undersigned applicant(s) of this sexually-reproduced novel plant variety believes that the variety is distinct, uniform, and stable as required in Section 41 and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant is informed that false representation herein can jeopardize protection and result in penalties.

April 26, 1976

(DATE)

(DATE)

(SIGNATURE OF APPLICANT)  
North American Plant Breeders  
B.W.A. Greengrass, General Manager  
(SIGNATURE OF APPLICANT)

INSTRUCTIONS

GENERAL: Send an original copy of the application, exhibits and \$250.00 fee to U.S. Dept. of Agriculture, Agricultural Marketing Service, Grain Division, 6525 Belcrest Road, Hyattsville, Maryland 20782. (See Section 180.175 of the regulations and rules of practice.) Retain one/copy for your files. All items on the face of the form are self-explanatory unless noted below.

ITEM

5 Insert the date the applicant determined that he had a new variety based on the definition in Section 41 (a) of the Act and decision is made to increase the seed.

13a First, give the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method. Second, give the details of subsequent stages of selection and multiplication. Third, indicate the type and frequency of variants during reproduction and multiplication and state how these variants may be identified. Fourth, provide evidence on stability.

13b First, give any special characteristics of the seed and of the plant as it passes through the seedling stage, flowering stage and the fruiting stage. Second, describe the mature plant and compare it with a similar commercial variety grown under the same conditions, and indicate the differences. 13c A supplemental form will be furnished by the PVPO to describe in detail a variety for each kind of seed.

13d Provide complete data indicative of novelty. Seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty may be submitted. Seeds submitted may be sterile.

13e Indicate whether applicant is the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.

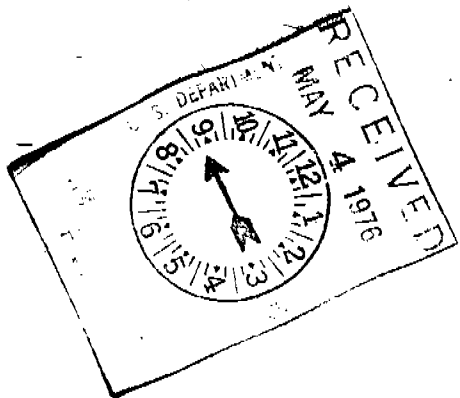


EXHIBIT 13A

North American Plant Breeders  
5201 Johnson Drive  
P.O. Box 2955  
Mission, Kansas, 66205  
(Formerly of Little Rock, Arkansas)

ORIGIN AND BREEDING HISTORY OF VARIETY "SUMMIT"

Summit was bred by Rothwell Plant Breeders in the United Kingdom, and was introduced as an advanced line for evaluation for the U.S.A. by N.A.P.B. who have exclusive rights for the material for that territory.

Summit was developed from the cross HP 1203 X (Zephyr X Tern) made at Rothwell in 1966. (The line HP 1203 is of German origin.) Pedigree selection was employed throughout for the development of the variety, the definitive plant selection fixing the type being that chosen at F5.

Plant rows were grown at F7 for elimination of any deviant or off-type material, and those retained were rechecked at F8 as plant row progenies before bulking as nucleus seed. Such seed was received in the U.S.A. as nucleus stock for multiplication here.

Stability is being ensured by fresh plant row selection each year for the initial stage of the variety multiplication program. Variants occurring at this stage have been those showing non-typical collar shape (9%), neck shape (under 1%), and maturity (later maturing, 7%).

Mission, Kansas  
GED:cm  
9/8/76

00002.

ADDENDUM TO SUMMIT EXHIBIT A

North American Plant Breeders  
5201 Johnson Drive  
P.O. Box 2955  
Mission, Kansas, 66205  
(Formerly of Little Rock)

It is confirmed that rows containing off-types as noted in Exhibit A (dated 9/8/76) final paragraph have been destroyed prior to harvest, in order to ensure varietal purity.

Mission, Kansas  
GED:cm  
10/6/76

00003

Exhibit 13B

North American Plant Breeders  
P.O. Box 991  
Little Rock, Arkansas 72203

Botanical Description of the Variety

"Summit" is mid-short, two-row spring barley variety. It is midseason in maturity (similar to Betzes). It is similar to "Lud" in plant characteristics except for slightly longer straw. It has a semi-erect to erect growth habit. It is more vigorous than most barleys in the tillering to "in boot" stages.

The following plant characteristics are typical of the variety "Summit":

Leaf Sheath hairs	- absent
Wax	- present
Spike	- semi-lax; parallel sides
Pigment	- present on leaf auricles, grain nerves and awns; strong at awn emergence
DDT	- Seedling reaction - susceptible

In addition the kernel characteristics listed below are typical of Summit.

Aleurone	- Yellow
Ventral crease	- hairs absent
Basal marking	- horseshoe depression, tending to crease.
Rachilla	- midlong, hairs short
Barbs on lateral veins	absent
Kernel size	- medium to small

00004

FORM GR-470-5  
(11-1-72)UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
GRAIN DIVISION  
HYATTSVILLE, MARYLAND 20782EXHIBIT C  
(Barley)OBJECTIVE DESCRIPTION OF VARIETY  
BARLEY (*HORDEUM VULGARE*)

INSTRUCTIONS: See Reverse.

NAME OF APPLICANT(S) North American Plant Breeders	FOR OFFICIAL USE ONLY
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) P.O. Box 991 Little Rock, Arkansas 72203	PVPO NUMBER 7600075
	VARIETY NAME OR TEMPORARY DESIGNATION Summit

Place the appropriate number that describes the varietal character of this variety in the boxes below.  
Place a zero in first box (i.e.  or ) when number is either 99 or less or 9 or less.

## 1. GROWTH HABIT:

1 = SPRING 2 = FACULTATIVE WINTER 3 = WINTER  Early Growth: 1 = PROSTRATE 2 = SEMIPROSTRATE  
3 = ERECT

## 2. MATURITY (50% Flowering):

1 = EARLY (California Mariout) 2 = MIDSEASON (Betzes) 3 = LATE (Frontier)

No. of days Earlier than  } 1 = BETZES 2 = CALIFORNIA MARIOUT 3 = CONQUEST 4 = DICKSON  
 No. of days Later than  } 5 = PIROLINE 6 = PRIMUS 7 = UNITAN

## 3. PLANT HEIGHT (From soil level to top of head):

1 = SEMIDWARF 2 = SHORT (California Mariout) 3 = MEDIUM TALL (Betzes) 4 = TALL (Conquest)

Cm. Shorter than  } 1 = BETZES 2 = CALIFORNIA MARIOUT 3 = CONQUEST 4 = DICKSON  
 Cm. Taller than  } 5 = PIROLINE 6 = PRIMUS 7 = UNITAN

## 4. STEM:

Erection (Flag to spike at maturity): 1 = 0 - 3 cm. 2 = 3 - 10 cm.  Anthocyanin: 1 = ABSENT 2 = PRESENT  
3 = 10 - 15 cm.

NO. OF NODES (Originating from node above ground)

Collar Shape: 1 = CLOSED 2 = V-SHAPED 3 = OPEN  Shape of Neck: 1 = STRAIGHT 2 = SNAKY  
4 = MODIFIED CLOSED OR OPEN 3 = OTHER (Specify) Slightly curved

## 5. LEAF:

Basal leaf sheath (seedling): 1 = GLABROUS 2 = PUBESCENT  Position of flag leaf (at boot stage): 1 = DROOPING  
2 = UPRIGHT

Waxiness: 1 = ABSENT (Glossy) 2 = SLIGHTLY WAXY  MM. WIDTH (First leaf below flag leaf)  
3 = WAXY

CM. LENGTH (First leaf below flag leaf)  Anthocyanin in leaf sheath: 1 = ABSENT 2 = PRESENT

## 6. HEAD:

Type: 1 = TWO-ROWED 2 = SIX-ROWED  Density: 1 = LAX 2 = ERECT (Not dense)  
3 = ERECT (Dense)

Shape: 1 = TAPERING 2 = STRAP 3 = CLAVATE  Waxiness: 1 = ABSENT (Glossy) 2 = SLIGHTLY WAXY  
4 = OTHER (Specify) 3 = WAXY

Lateral Kernels Overlap: 1 = NONE 2 = AT TIP  Rachis (Hair on edge): 1 = LACKING 2 = FEW 3 = COVERED  
3 = 1/4 - 1/2 OF HEAD

## 7. GLUME:

Length: 1 = 1/3 OF LEMMA 2 = 1/2 OF LEMMA  Hairs: 1 = NONE 2 = SHORT 3 = LONG  
3 = MORE THAN 1/2 OF LEMMA

Hair covering: 1 = NONE 2 = RESTRICTED TO MIDDLE 3 = CONFINED TO BAND 4 = COMPLETELY COVERED

Awns: 1 = LESS THAN EQUAL TO LENGTH OF GLUMES 2 = EQUAL TO LENGTH OF GLUMES  
3 = MORE THAN EQUAL TO LENGTH OF GLUMES

Awn Surface: 1 = SMOOTH 2 = SEMISMOOTH 3 = ROUGH

5 of 11 00005

8. LEMMA:

5

Awn:

1 = AWNLESS

2 = AWNLETS ON CENTRAL ROWS, AWNLESS ON LATERAL ROWS

3 = SHORT ON CENTRAL ROWS, AWNLETS ON LATERAL ROWS

4 = SHORT (less than equal to length of spike)

5 = LONG (longer than spike)

6 = HOODED

4

Awn Surface:

1 = AWNLESS

2 = SMOOTH

3 = SEMISMOOTH

4 = ROUGH

1

Teeth:

1 = ABSENT

2 = FEW

3 = NUMEROUS

1

Hair:

1 = ABSENT

2 = PRESENT

1

Shape of base:

1 = DEPRESSION

2 = SLIGHT CREASE

3 = TRANSVERSE CREASE

1

Rachilla Hairs:

1 = SHORT

2 = LONG

9. STIGMA:

2

Hairs:

1 = FEW

2 = MANY

10. SEED:

2

Type:

1 = NAKED

2 = COVERED

1

Hairs on Ventral Furrow:

1 = ABSENT

2 = PRESENT

4

Length:

1 = SHORT (8.0 mm.)

2 = SHORT TO MIDLONG (7.5 - 9.0 mm.)

3 = MIDLONG (8.5 - 9.5 mm.)

4 = MIDLONG TO LONG (9.0 - 10.5 mm.)

5 = LONG (10.0 mm.)

4

Wrinkling of hull:

1 = NAKED

2 = SLIGHTLY WRINKLED

3 = SEMIWRINKLED

4 = WRINKLED

1

Albumen Color:

1 = COLORLESS (White or Yellow)

2 = BLUE

4

2

PERCENT AVERAGE Rachilla

4

7

GMS. PER 1000 SEEDS

11. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

0

SEPTORIA

1

NET BLOTCH

2

SPOT BLOTCH

2

POWDERY MILDEW

1

LOOSE SMUT

0

BACTERIAL BLIGHT

0

COVERED SMUT

9/10/76 Ent as per letter dt'd 8/8/76

0

FALSE LOOSE SMUT

1

STEM RUST

2

LEAF RUST

0

SCAB

1

SCALD

0

AY

0

BSMV

2

BYDV

0

OTHER (Specify)

12. INSECT: (0 = Not tested, 1 = Susceptible, 2 = Resistant)

0

GREEN BUG

0

ENGLISH GRAIN APHID

0

CHINCH BUG

ARMYWORM

0

GRASS HOPPERS

0

CERIAL LEAF BETTLE

0

OTHER (Specify)

HESSIAN FLY RACES

0

GP

0

A

0

B

0

C

0

D

0

E

0

F

0

G

13. CHEMICAL (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

1

DDT

Ent as per 5/11/76 Ethling B

OTHER (Specify)

14. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Plant tillering		Seed size	
Leaf size		Coleoptile elongation	
Leaf color		Seedling pigmentation	
Leaf carriage			

REFERENCES: The following publications may be used as a reference aid for the standardization of character descriptions and terms used in this form:

- Wiebe, G. A., and D. A. Reid, 1961, Classification of Barley Varieties Grown in the United States and Canada in 1958, Technical Bulletin No. 1224, U.S. Dept. of Agriculture.
- Reid, D. A., and G. A. Wiebe, 1968, Barley: Origin, Botany, Culture, Winter Hardiness, Genetics, Utilization, Pests, Agriculture Handbook No. 338, U.S. Dept. of Agriculture. pp. 61 - 84.
- Malting Barley Improvement Association, Milwaukee, Wisconsin, 1971, Barley Variety Dictionary

COLOR: Nickerson's or any recognized color fan may be used to determine color of the described variety.

00006

60811



Exhibit 13D

Data Indicative of Novelty

Summit most closely resembles the variety Lud. It's differences with Lud are detailed below:

1. Summit is <sup>slightly</sup> ~~2-3 inches~~ taller than Lud. <sup>see 10/5/76</sup>
2. Summit has anthocyanin in auricles of all nodes whereas in Lud the anthocyanin occurs only in the auricle of the top node.
3. Summit has a slightly curved neck. Lud has a snaky neck with a "crook" occuring about  $\frac{1}{2}$ " below the collar.
4. Glume length is about  $\frac{1}{2}$  of the lemma in Summit while in Lud the glume is  $\frac{1}{3}$  the length of the lemma.

North American Plant Breeders  
P.O. Box 991  
Little Rock, Arkansas 72203

00007

Exhibit 13E

North American Plant Breeders  
P.O. Box 991  
Little Rock, Arkansas 72203

Statement of the Basis of Applicant's Ownership

Summit was bred by full-time employees of Rothwell Plant Breeders Limited. Pursuant to terms of employment of such employees, ownership of the variety vested in Rothwell Plant Breeders Limited.

Pursuant to an agreement dated March 9, 1973, between Rothwell Plant Breeders and North American Plant Breeders, ownership of the variety in the U.S.A. and the right to apply for plant variety protection in U.S.A. passed to the applicant.

00008

Excerpts from:

NAPB-RPB  
TECHNICAL COLLABORATION AGREEMENT

"AGREEMENT dated this 9th day of March 1973, between NORTH AMERICAN PLANT BREEDERS, a partnership of R-P and OPB (both as hereinafter defined) existing under the laws of the State of Connecticut, USA ("NAPB") on the one hand and ROTHWELL PLANT BREEDERS LIMITED, a company incorporated in England with its registered office at Field House, Grimsby, Lincolnshire, England ("RPB") on the other relating to technical collaboration between them as hereinafter recited.....

"WITNESSETH THAT the parties hereto agree as follows:

"ARTICLE I - DEFINITIONS

Following terms used herein shall have the following meanings:

- (4) 'Seed' means any reproductive material of Agricultural Crops.
- (5) 'Seed Know-How' means any knowledge, expertise and other information, and any rights of whatever nature (including but not limited to plant breeders' and similar rights) relating in any way to Agricultural Crops or Seed, or relating in any way to all processes, methods and apparatus for the breeding, planting, harvesting, production and treating of Agricultural Crops and Seed. Proprietary or secret knowledge, expertise and other information and rights relating to chemicals used for treating Agricultural Crops or Seed are excluded from the definition of 'Seed Know-How' but such proprietary or secret knowledge, expertise and other information and rights relating to chemicals used for treating Agricultural Crops or Seed for the purpose of creating inheritable characteristics in Agricultural Crops or Seed are included in such definition.

00009

"ARTICLE IV - TECHNICAL COLLABORATION AND LICENSING

- (1) RPB, to the extent of its rights and during the term of this Agreement, shall (a) make available to NAPB on a continuing basis, all Seed available to RPB for the NAPB territory from all sources in quantities for initial plant breeding purposes, (b) disclose and transfer to NAPB on a continuing basis for use in the NAPB territory in connection with the breeding, development, production and sale of Seed all present and future Seed Know-How available to RPB for the NAPB territory from all sources, and (c) assign and continue to assign to NAPB all its right, title and interest in and to said Seed Know-How and said Seed for exploitation throughout the NAPB territory.....
- (4) Any assignments made or licenses granted under the provisions of Clauses (1), (2) or (3) hereof shall be in perpetuity or for the life of the rights being assigned or licensed. However, the respective obligations of the parties to make such assignments and grant such licenses to each other hereunder with respect to new Seed or new Seed Know-How, shall terminate forthwith upon termination of this Agreement for any reason.
- (7) Insofar as NAPB has the right by way of assignment of all right, title and interest in Seed Know-How: (i) NAPB shall have the exclusive right to take whatever action it deems necessary to protect Seed Know-How in the NAPB territory by filing application for plant breeders certificate and similar rights; (ii) RPB shall assist NAPB in securing and transmitting all information for the completion and prosecution of such applications; (iii) within thirty (30) days after the execution of this Agreement RPB shall assign to NAPB all applications for U.S. Certificates

for Plant Variety Protection and hereby grants to NAPB the exclusive right to file applications for Plant Variety Protection Certificates and to be the owner of all rights with respect thereto, including the right to enforce such Certificates and rights represented thereby against unauthorized third parties. Reciprocally, RPB shall have similar exclusive rights for the RPB territory and NAPB shall render similar assistance and make similar assignments to RPB.

"IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

NORTH AMERICAN PLANT BREEDERS

By /s/ B.W.A. Greengrass

Title: General Manager

ROTHWELL PLANT BREEDERS LIMITED

By /s/ F. M. Collins

Title: Managing Director"

I certify this document to be true excerpts from the original agreement.

Rosalyn Snyderman

A Notary Public for the County  
of Pulaski, State of Arkansas

My Commission Expires Nov. 1, 1979

00011

BILL OF SALE AND ASSIGNMENT

KNOW ALL MEN BY THESE PRESENTS that AGRIPRO BIOSCIENCES INC., a Delaware corporation (hereinafter referred to as "Seller"), pursuant to that certain Asset Purchase Agreement of even date herewith by and between Seller and AGR ACQUISITION CORPORATION, a Delaware corporation (hereinafter referred to as "Buyer") and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, assign, convey and deliver unto Buyer, all of Seller's right, title and interest in and to the plant varieties owned/registered by Seller and more particularly set forth on Exhibit A attached hereto for which PVP Certificates have been issued by or may be pending before the U. S. Department of Agriculture.

TO HAVE AND TO HOLD UNTO PURCHASER, its successors and assigns forever.

IN WITNESS WHEREOF, Seller has executed this Bill of Sale and Assignment as of the 30th day of June, 1994.

AGRIPRO BIOSCIENCES INC.

BY: W.A. Zama  
Title: President

STATE OF KANSAS, COUNTY OF JOHNSON

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared W.A. ZAMA with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who, upon oath, acknowledged himself to be the PRESIDENT of Agripro Biosciences Inc., the within named bargainer, a corporation, and that he as such PRESIDENT, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as PRESIDENT.

WITNESS my hand and Notarial Seal at office the day and year above written.

Alma M. Weaver  
Notary Public

My Commission Expires:

June 22, 1998

ALMA M. WEAVER

NOTARY PUBLIC  
STATE OF KANSAS

My Appt. Exp.

June 22, 1998

*Office of the Secretary of State*

---

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "AGR ACQUISITION CORPORATION", CHANGING ITS NAME FROM "AGR ACQUISITION CORPORATION" TO "AGRIPRO SEEDS, INC.", FILED IN THIS OFFICE ON THE THIRTIETH DAY OF JUNE, A.D. 1994, AT 4:30 O'CLOCK P.M.

A CERTIFIED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS FOR RECORDING.



A handwritten signature in cursive script, reading "Edward J. Freel", is written over a horizontal line.

SECRETARY OF STATE  
AUTHENTICATION:

7169071

DATE:

07-01-94

2394087 8100

944121584

06/30/94 14:25 0913 384 0206

ABI SHAWNEE MSN

0002/002

CERTIFICATE OF AMENDMENT  
OF  
CERTIFICATE OF INCORPORATION  
OF  
AGR ACQUISITION CORPORATION

AGR Acquisition Corporation, a corporation organized and existing under and by virtue of the General Corporation Law of the State of Delaware,

DOES HEREBY CERTIFY:

FIRST: that the Board of Directors of said corporation, by the unanimous written consent of its members filed with the minutes of the Board, adopted a resolution proposing and declaring advisable the following amendment to the Certificate of Incorporation of said corporation:

RESOLVED, that the Certificate of Incorporation of this corporation be amended by changing the Article thereof numbered "ARTICLE I" so that, as amended, said Article shall be and read as follows:

"ARTICLE I

Name

The name of the corporation (hereinafter called the 'Corporation') is Agripro Seeds, Inc."

SECOND: That in lieu of a meeting and vote of stockholders, the sole shareholder of the corporation has given unanimous written consent to said amendment in accordance with the provisions of Section 228 of the General Corporation Law of the State of Delaware.

THIRD: That the aforesaid amendment was duly adopted in accordance with the applicable provisions of Sections 242 and 228 of the General Corporation Law of the State of Delaware.

FOURTH: That the capital of said corporation shall not be reduced under or by reason of said amendment.

IN WITNESS WHEREOF, said AGR Acquisition Corporation has caused this certificate to be signed by Gary T. Hancock, its President, and attested by Ann Steelman, its Secretary, this 30<sup>th</sup> day of June, 1994.

AGR ACQUISITION CORPORATION

BY: Gary T. Hancock  
Gary T. Hancock, President

ATTEST:

BY: Ann Steelman  
Ann Steelman, Secretary



## LAW OFFICES

LUCIUS E. BURCH, JR.  
W. J. MICHAEL CODY  
JOEL PORTER  
CHARLES F. NEWMAN  
C. THOMAS CATES  
JOE R. DUNCAN  
JOHN A. STEINLER  
J. BROOKS LATHRAH  
JEFF FEIBELMAN  
DEWITT M. SHY, JR.  
R. MICHAEL POTTER  
JOHN W. CHANDLER, JR.  
DAVID J. HARRIS  
WARNER D. RODDA  
DAVID M. LILLARD, JR.  
HOLLY K. LILLARD  
SAM L. CHAIN, JR.  
NATHANA BICKS

STEPHEN D. CRAWLEY  
LAUREL C. WILLIAMS

## BURCH, PORTER &amp; JOHNSON

130 NORTH COURT AVENUE

MEMPHIS, TENNESSEE 38103

TELEPHONE 901-523-2311  
TELECOPIER 901-523-7140

July 25, 1994

CHAS. N. BURCH 1868-1938  
H. D. HINOR 1868-1947  
CLINTON M. MCRAE 1889-1943  
JESSE E. JOHNSON, JR. 1913-1980  
JOHN S. PORTER 1909-1980

MORGAN KEEGAN OFFICE  
50 NORTH FRONT STREET  
SUITE 650  
MEMPHIS, TENNESSEE 38103  
TELEPHONE 901-527-2311  
TELECOPIER 901-527-4190

Ms. Ann Zempolich  
Plant Variety Protection Office  
U. S. Department of Agriculture  
500 NAL Building  
10301 Baltimore Boulevard  
Beltsville, MD 20705

Re: Agripro Biosciences Inc. Sale of PVPs to AGR Acquisition Corporation (which has changed its name to Agripro Seeds, Inc.)

Dear Ms. Zempolich:

I am enclosing herewith the Bill of Sale and Assignment wherein Agripro Biosciences Inc. has sold and assigned all of its right, title and interest in and to the PVPs listed on the attachment to the Bill of Sale to AGR Acquisition Corporation and hereby request that your records be changed to show the new owner as Agripro Seeds, Inc., the new name of AGR Acquisition Corporation. It is our understanding that the attachment was generated by someone in your office and forwarded to Agripro Biosciences Inc. at its request, and was subsequently forwarded to our office as attorneys for the purchaser in connection with the sale transaction.

As I indicated to you in our several previous telephone conversations, AGR Acquisition Corporation changed its corporate name to Agripro Seeds, Inc. the same date as the closing of the sale. I am enclosing herewith a copy of the Certificate of Amendment filed by the Delaware Secretary of State wherein the corporate name is changed.

If I counted correctly, there are 149 PVP certificates listed on the attachment to the Bill of Sale and Assignment. I am enclosing a check in the amount of \$3,725.00 payable to United States Treasury in payment of the \$25.00 per certificate fee to change the owner's name on your records.

THIS DOCUMENT HAS A COLORED BACKGROUND - NOT A WHITE BACKGROUND

THIS DOCUMENT HAS A COLORED BACKGROUND



HELENA CHEMICAL COMPANY  
Suite 3200 - Clark Tower  
5100 Poplar Avenue  
Memphis, Tennessee 38137

DATE

CHECK NUMBER

7-8-94

22406

PROTECTION  
AMOUNT

PAY EXACTLY **3,725.00**

PAY THIS AMOUNT

\$3,725.00

United States Treasury

PAY TO THE  
ORDER OF

HELENA CHEMICAL COMPANY  
by

*Byron Taylor*

AUTHORIZED SIGNATURES